

SUPPORT FOR THE AMENDMENT

Applicants have merely deleted a species of lipophilic amphiphile. No new matter would be added to this application by entry of this amendment.

Upon entry of this amendment, claims 1-7, 9 and 11-19 will remain active in this application.

REQUEST FOR RECONSIDERATION

The claimed invention is directed to a skin cleansing composition as well as a method of skin cleansing.

Skin cleaning often faces the problem of concurrently removing oil-soluble and water-soluble material. Emulsion formulations can provide imbalanced cleansing ability favoring removal of the stains compatible with the continuous phase of the emulsion. Efforts to date with compositions of a bicontinuous structure have displayed difficulty with respect to cleansing ability, removability, as well as environmental compatibility. Accordingly, skin cleansing compositions demonstrating broad soil removing ability and a bicontinuous structure are sought.

The claimed invention addressed this problem by providing a skin cleaning composition comprising an oil component, a hydrophilic nonionic surfactant, a lipophilic amphiphile which is at least one amphiphile selected from the group consisting of **fatty alcohols having 8 to 25 carbon atoms, fatty acids having 8 to 25 carbon atoms and monoalkylphosphoric acids having 8 to 25 carbon atoms**, a water-soluble solvent and water, the composition having **an isotropic liquid phase exhibiting a bicontinuous structure** and a ratio of water-soluble substance to hydrophilic nonionic surfactant plus lipophilic amphiphile of at least 1. Applicant has discovered that such a composition having an isotropic liquid phase exhibiting a bicontinuous structure provides for effective skin

cleaning of both oil and aqueous stains. Such a skin cleaning composition is nowhere disclosed or suggested in the cited art of record.

The rejection of claims 1-7, 9 and 11-19 under 35 U.S.C §103(a) over Watanabe et al. U.S. 6,346,507 in view of Wells U.S. 5,785,979 is respectfully traversed.

The references fails to identify a lipophilic amphiphile which is at least one amphiphile selected from the group consisting of fatty alcohols having 8 to 25 carbon atoms, fatty acids having 8 to 25 carbon atoms and monoalkylphosphoric acids having 8 to 25 carbon atoms in the microemulsion.

Watanabe et al. describes a liquid crystal composition having a liquid crystal phase and/or an isotropic surfactant continuous phase (e.g. a bicontinuous structure) (see abstract and page 3 of applicants' specification). The composition comprises 1-70 wt. % of a silicone oil (column 3, lines 55-67), 10-60 wt.% of a non-ionic surfactant (column 3, lines 13-27) such as polyethylene glycol fatty acid ester (column 3, line 19), 1-50 wt. % of a water-soluble substance having a hydroxyl group (e.g. ethanol, propanol (column 3, lines 28-48) and 10-60 wt. % water (column 4, lines 6-8). A one-phase system of isotropic surfactant continuous phase is described (column 3, lines 4-8). In spite of the description of an isotropic surfactant continuous phase, the reference fails to disclose 1-45 wt. % of a lipophilic amphiphile of a fatty alcohol, a fatty acid or a monoalkylphosphoric acid.

In contrast, the claimed invention is directed to a skin cleaning composition comprising an oil component, a hydrophilic nonionic surfactant, a lipophilic amphiphile which is at least one amphiphile selected from the group consisting of fatty alcohols having 8 to 25 carbon atoms, fatty acids having 8 to 25 carbon atoms and monoalkylphosphoric acids having 8 to 25 carbon atoms, a water soluble solvent and water having an isotropic liquid phase exhibiting a bicontinuous phase. Applicant notes that the claims have been amended to delete nonionic surfactants having an HLB value of 8 or less from the list of lipophilic

amphiphile component (C). As the reference fails to disclose the claimed component (C) the claimed invention is not rendered obvious by this reference.

The basic deficiencies of the primary reference are not cured by Wells.

Wells describes a personal cleansing composition comprising 0.1 to 1 wt. % of a surfactant system of water soluble polymer a phase separator initiator and water. The phase separation initiator forms stable aqueous emulsions wherein the emulsion comprises aqueous polymer phase droplets suspended in an aqueous surfactant phase (column 2, lines 59-65). Suitable phase separation initiators are identified as electrolytes, amphiphiles or mixtures thereof, which induce phase separation when combined with a nonionic or anionic water-soluble polymer and a surfactant system (column 13, lines 34-37). Specific amphiphiles are amides of fatty acids, fatty alcohols, fatty esters, glycol mono- and di-esters of fatty acids' glyceryl esters (column 13, lines 42-47). Suitable electrolytes are identified as mono-di- and trivalent inorganic salts as well as organic salts, including phosphates, sulfates, nitrates, citrates and halides (column 14, line 64 through column 15, line 1). The phase separation initiator is described as having an essential nature and activity, such that it is preferred that the composition be substantially free of materials which would **prevent** the induction or formation of separate liquid phases (column 15, lines 18-22). Thus, the essential nature and activity provided by the phase separation initiator is the promotion and formation of **separate phases** of aqueous polymer and aqueous surfactant. The examiner has equated the phase separation initiator of Wells with the claimed amphiphile compound (page 4 of official action).

Applicant respectfully submits that it would not have been obvious to add a phase separation initiator as described by Wells to the isotropic surfactant continuous phase composition of Watanabe et al. as such a phase separation initiator would, at best be expected to perform the intended function of causing phase separation, a result which is contrary to the

purpose of Watanabe et al. in providing an isotropic surfactant continuous phase. While the examiner notes the importance to Wells of “separating the oil and aqueous phase,” such distinct phase separation is contrary to the goals of Watanabe et al. in providing an isotropic surfactant continuous phase, such that there would be no motivation to add such a phase separation initiator.

Conversely, even if one were to have added such a phase separation initiator to the composition of Watanabe et al. a result of an isotropic liquid phase exhibiting a bicontinuous structure would not be expected as Wells describes the phase separation initiator as inducing separation of liquid phases. Thus, there would be no expectation of producing an isotropic liquid phase exhibiting a bicontinuous structure by combining the phase separation initiator of Wells with the composition of Watanabe et al.

In contrast, the claimed invention is directed to a skin cleaning composition comprising an oil component, a hydrophilic nonionic surfactant, a lipophilic amphiphile, a water soluble solvent and water **having an isotropic liquid phase exhibiting a bicontinuous phase**. An isotropic liquid phase exhibiting a bicontinuous phase is a claim limitation which would not have been expected based on the combined disclosures of the cited references.

Since the cited combination of references fails to suggest component (C), in a composition having an isotropic liquid phase exhibiting a bicontinuous phase, the claimed invention is not rendered obvious by the cited references and withdrawal of the rejections under 35 U.S.C. 103(a) is respectfully requested.

The rejection of claims 1-7, 9 and 11-19 under 35 U.S.C. §103(a) over Hasebe et al. U.S. 6,830,754 in view of Watanabe et al. U.S. 6,346,507 and Wells U.S. 5,785,979 is respectfully traversed.

The combination of Hasebe et al., Watanabe et al. and Wells fail to make obvious the claimed composition having an isotropic liquid phase exhibiting a bicontinuous phase.

Watanabe et al. and Wells have been discussed above and articulate a conflict of a composition having an isotropic surfactant continuous phase (Watanabe et al.) with a composition having separate liquid phases (Wells).

Hasebe et al fails to render cure the deficiencies of the combination of Watanabe et al. with Wells. Hasebe et al. describes a dispersion comprising a dispersoid of an amphipathic lipid and surfactant in an aqueous medium (abstract). The dispersoid is one phase and the aqueous medium is a second phase. The dispersoid is a solid-particulate amphipathic lipid dispersed in an aqueous medium (column 2, lines 11-13). Thus, like Wells, Hasebe et al. describes **a phase separated composition**, and does not suggest an isotropic liquid phase exhibiting a bicontinuous structure.

The lack of obviousness of an isotropic liquid phase exhibiting a bicontinuous structure is made clear on page 5 of the outstanding official action wherein the action describes the description of Wells that “cleansing and conditioning phases of the cleansing compositions are maintained **separately** by the phase [separation] initiators,” “Wells suggest that the amphiphile surfactants are important for **separating the oil and aqueous phase** for the performance of the composition’ and “optimizing the individual amounts of an emulsion **without compromising the separation of phases** would have been within the scope of a skilled artisan.” The entirety of the rejection is predicated on the obviousness of maintaining separation of oil and aqueous phases.

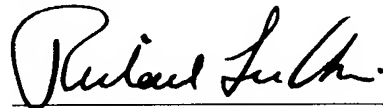
In contrast, the claimed invention is directed to a skin cleaning composition comprising an oil component, a hydrophilic nonionic surfactant, a lipophilic amphiphile, a water soluble solvent and water **having an isotropic liquid phase exhibiting a bicontinuous phase**. An isotropic liquid phase exhibiting a bicontinuous phase is a claim limitation which would not have been suggested by references which emphasize the importance of maintaining separate phases.

Since the cited combination of references fails to suggest a composition having an isotropic liquid phase exhibiting a bicontinuous phase, the claimed invention is not rendered obvious by the cited references and withdrawal of the rejections under 35 U.S.C. 103(a) is respectfully requested.

Applicant submits that this application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

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